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EXAMINER	
NGUYEN, THANH T	

ART UNIT	PAPER NUMBER
2444	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/675,925	LIPSKY ET AL.	
	Examiner	Art Unit	
	TAMMY THANH NGUYEN	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *(3)* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *October 27, 2009*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7,8,37-41 and 43-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-5,7,8,37-41 and 43-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) _ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/25/10, 10/27/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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Detailed Office Action

1. This action is in response to the amendment filed on January 27, 2009.

2. Claims 1-8, 37-57 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 37-41, and 44-45, and 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronald M. Perkes., (hereinafter Perkes) Publication No. US 2003/0110503 A1 in view of Gad Liwerant., (hereinafter Liwerant) Publication No. US 2002/0056123 A1 further in view of Roger A. Fleming., (hereinafter Fleming) Publication No. US 2002/0152432 A1.

5. As to claims 1, 37, 55, and 57, Perkes discloses the invention as claimed, Perkes discloses including a method in of using a distributed system for distributing images to client systems, the method comprising: tracking communications received at the distribution system from a client system via a communications link (Internet), a communication received from the client system includes a time associated with the communication [see Perkes, page 9, paragraph 0019](Perkes teaches the broadcast agent, the master agent and the viewer agent are communicatively connected to each other by way of a network, such as by way of the Internet); and for an image is to be distributed by the distribution system to a client system, determining whether time associated with a most recently received communication from the client system is within a certain time period [see Perkes, page 8, paragraph 0078] (Perkes teaches the on/off line status of the viewers computer is determined by the Master Agent); if it is determined that time associated with the most recently received communication from the client system, sending the image to the client system via the communication link [see Perkes, page.8, paragraph 0078-0079] (Perkes teaches if on line, the viewer is" provided certain information about the broadcast segment (digital photos, video or MP3)); and if determined that the time associated with the most recently received communication from the client system, sending has communicated with the distribute system via the communication link [see Perkes page. 10, paragraph 0125] (Perkes teaches if the viewer is offline, the Intent to the broadcast notification).

6. However, Perkes does not explicitly disclose "determining that time associated with the most recently received communication from the client is not within certain time period".

7. In the same field of endeavor, Fleming discloses (e.g., system and method for detecting process and network failures in a distributed system having multiple independent network). Fleming discloses determining that time associated with the most recently received communication from the client is not within certain time period [see Fleming, fig. 1 and paragraphs 0018, 0020, 0023, 0025 and O027-O028] (transmit heartbeats on communication path 110-160 to detect a process failure (period of time)).

8. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Fleming's teachings of a sharing a streaming video with the teachings of Perkes to have time associated with the most recently received communication from the client is not within certain time period, for the purpose of providing for detecting process and network failures in a distributed system the user a convenient, an optimal viewing quality, enhanced security [see Fleming, paragraph 0005].

9. However, Perkes does not explicitly disclose sending the image to the client system via a mechanism other that the communications link.

10. In the same field of endeavor, Liwerant discloses (e.g., Sharing a streaming video). Liwerant discloses sending the image to the client system via a mechanism other that the communications link [see Liwerant, page.5, paragraph 0052](resolution and/or

image quality desired by the user of sender A's computer 10, and the provision of the file in some additional option form, such as recorded on CD-ROM and sent to the user of sender's computer 10 by postal service).

11. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liwerant's teachings of a sharing a streaming video with the teachings of Perkes to have sending an image to the client system via mechanism other than the communication link, for the purpose of providing for the user a convenient, an optimal viewing quality, enhanced security [see Liwerant, page.6, paragraph 0059 and page.14, paragraph 0139].

12. As to claim 2, Perkes discloses the method of claim 1, wherein the communications link is the Internet [see Perkes, page 9, paragraph 0019](Perkes teaches the broadcast agent, the master agent and the viewer agent are communicatively connected to each other by way of a network, such as by way of the Internet).

13. As to claim 3, Perkes does not explicitly disclose the method of claim 1, wherein the mechanism other than the communications includes a physical computer-readable medium. In the same field of endeavor, Liwerant discloses (e.g., Sharing a streaming video). Liwerant discloses the mechanism other than the communication includes a physical computer-readable medium [see Liwerant, page.5, paragraph O052](physical medium to be used in sending a physical machine-readable copy of the video segment). 15. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liwerant's teachings of a sharing a streaming video with the teachings of Perkes to have a

physical computer-readable medium, for the purpose of providing for the user a convenient, an optimal viewing quality, enhanced security [see Liwerant, page.6, paragraph 0059 and page. 14, paragraph 0139].

14. As to claim 4, Perkes does not explicitly disclose the method of claim 3, wherein the computer-readable medium includes a disc-based medium. In the same field of endeavor, Liwerant discloses (e.g., Sharing a streaming video). Liwerant discloses sending the image to the client system via a mechanism other that the communications link [see Liwerant, page.5, paragraph O052](recorded on CD-ROM and sent to the user of sender's computer 10 by postal service).

15. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liwerant's teachings of a sharing a streaming video with the teachings of Perkes to have a disc-based medium, for the purpose of providing for the user a convenient, an optimal viewing quality, enhanced security [see Liwerant, page.6, paragraph 0059 and page.14, paragraph 0139].

16. As to claim 5, Perkes does not explicitly discloses the method of claim 3, wherein further comprising if it is determined that the time associated with the most recently received communication from the client system is not within the certain time period.

17. However, Perkes does not explicitly disclose "determining that time associated with the most recently received communication from the client is not within certain time period".

18. In the same field of endeavor, Fleming discloses (e.g., system and method for detecting process and network failures in a distributed system having multiple independent network). Fleming discloses determining that time associated with the most recently received communication from the client is not within certain time period [see Fleming, fig. 1 and paragraphs 0018, 0020, 0023, 0025 and O027-O028] (transmit heartbeats on communication path 110-160 to detect a process failure (period of time)).

19. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Fleming's teachings of a sharing a streaming video with the teachings of Perkes to have time associated with the most recently received communication from the client is not within certain time period, for the purpose of providing for detecting process and network failures in a distributed system the user a convenient, an optimal viewing quality, enhanced security [see Fleming, paragraph 0005].

20. However, Perkes does not explicitly disclose recording the image on the computer-readable medium.

21. In the same field of endeavor, Liwerant discloses (e.g., Sharing a streaming video). Liwerant discloses recording the image on the computer-readable medium [see Liwerant, page.5, paragraph O052](resolution andor image quality desired by the user of sender A's computer 10, and the provision of the file in some additional option form, such as recorded on CD-ROM and sent to the user of sender's computer 10 by postal service).

22. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liwerant's teachings of a sharing a streaming video with the teachings of Perkes to have recording the image on the computer-readable medium, for the purpose of providing for the user a convenient, an optimal viewing quality, enhanced security [see Liwerant, page.6, paragraph 0059 and page. 14, paragraph 0139].

23. As to claim 38, Perkes discloses the system of claim 37, wherein the communications link is the Internet [see Perkes, page 9, paragraph 0019](Perkes teaches the broadcast agent, the master agent and the viewer agent are communicatively connected to each other by way of a network, such as by way of the Internet).

24. As to claim 39, Perkes does not explicitly disclose the system of claim 37, wherein the mechanism is a physical computer-readable medium. In the same field of endeavor, Liwerant discloses (e.g., Sharing a streaming video). Liwerant discloses the mechanism other than the communication includes a physical computer-readable medium [see Liwerant, page.5, paragraph O052](physical medium to be used in sending a physical machine-readable copy of the video segment).

25. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liwerant's teachings of a sharing a streaming video with the teachings of Perkes to have a physical computer-readable medium, for the purpose of providing for the user a convenient, an optimal viewing quality, enhanced security [see Liwerant, page.6, paragraph 0059 and page. 14, paragraph 0139].

26. As to claim 40, Perkes does not explicitly disclose the system of claim 39, wherein the computer-readable medium is a disc-based medium. In the same field of endeavor, Liwerant discloses (e.g., Sharing a streaming video). Liwerant discloses sending the image to the client system via a mechanism other that the communications link [see Liwerant, page.5, paragraph O052](recorded on CD-ROM and sent to the user of sender's computer 10 by postal service).

27. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liwerant's teachings of a sharing a streaming video with the teachings of Perkes to have a disc-based medium, for the purpose of providing for the user a convenient, an optimal viewing quality, enhanced security [see Liwerant, page.6, paragraph 0059 and page.14, paragraph 0139].

28. As to claim 41, Perkes does not explicitly disclose the system of claim 39, including a component that records the package of image on the computer- readable medium. In the same field of endeavor, Liwerant discloses (e.g., Sharing a streaming video). Liwerant discloses recording the image on the computer-readable medium [see Liwerant, page.5, paragraph O052](resolution and~or image quality desired by the user of sender A's computer 10, and the provision of the file in some additional option form, such as recorded on CD- ROM and sent to the user of sender's computer 10 by postal service). 34. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liwerant's teachings of a sharing a streaming video with the teachings of Perkes to

have recording the image on the computer-readable medium, for the purpose of providing for the user a convenient, an optimal viewing quality, enhanced security [see Liwerant, page.6, paragraph 0059 and page. 14, paragraph 0139].

29. As to claim 44, Perkes discloses the system of claim 37, including a component that sends via the communications link a package of images to a client system [see Perkes, page. 10, paragraph 0106] (Perkes teaches if online the Broadcast agent can start to send content (digital photos, video or MP3) as a broadcast segment to the viewer).

30. As to claim 45, Perkes discloses the system of claim 37, wherein each of package of images includes images selected based on preference for the client system to which the package is to be sent [see perkes, page 5, paragraph O056](Perkes teaches based on user profile).

31. As to claim 57, Perkes and Liwerant do not explicitly disclose the computer-readable medium of claim 55 wherein the communication received from the client system is a heartbeat that is sent periodically to the distribution system by the client system.

32. In the same field of endeavor, Fleming discloses (e.g., system and method for detecting process and network failures in a distributed system having multiple independent network). Fleming discloses wherein the communication received from the client system is a heartbeat that is sent periodically to the distribution system by the client system [see Fleming, fig. 1 and paragraphs 000018, 0020, 0023, 0025 and 0027-0028](transmit heartbeats on communication path 60 to detect a process failure).

33. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Fleming's teachings of a sharing a streaming video with the teachings of Perkes to have a heartbeat communications, for the purpose of providing for detecting process and network failures in a distributed system the user a convenient, an optimal viewing quality, enhanced security [see Fleming, paragraph 0005].

34. Claims 6, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronald M. Perkes., (hereinafter Perkes) Publication No. US 2003/0110503 A1 in view of Gad Liwerant., (hereinafter Liwerant) Publication No. US 2002/0056123 A1, further in view of Christian et al., (hereinafter Christian) U.S. Patent No. 6,854,010.

35. As to claim 6, Perkes discloses the method of claim 1, wherein the recorded indication wherein it is determined that the client system has communicated via the communications link [see Perkes, page 8, paragraph 0078] (Perkes teaches the on/off line status of the viewers computer is determined by the Master AgenO if the time associated with the last received communication for the client system is within a certain period [see Perkes, paragraphs 0050, 0052] (using Delivery Scheduler to utilize predetermined times to delivery data to clients). However, Perkes does not explicitly a time associated with the received communication from the client system.

36. In the same field of endeavor, Christian discloses (e.g., Multi-Location management system). Christian discloses a time associated with the received communication from

the client system [see Christian, col. 10, lines 11-30] (the date and time stamp of the last communication with all interface connected to that network transceiver).

37. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Christian's teachings of Multi-Location management system with the teachings of Perkes to have a time associated with the received communication from the client system, for the purpose of providing security to the workstations and any devices connected to the network transceiver [see Christian, col.2, lines 28-41].

38. As to claim 42, Perkes discloses the system of claim 37, wherein the determination is made based on when a client system communicated with the image distribution system via the communication link. However, Perkes does not explicitly disclose the client system last communicated via the communication link.

39. In the same field of endeavor, Christian discloses (e.g., Multi-Location management system). Christian discloses determining is made based on when a client system last communication via the Internet [see Christian, col. 10, lines 11-30] (the date and time stamp of the last communication with all interface connected to that network transceiver). 46. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Christian's teachings of Multi-Location management system with the teachings of Perkes to have determining based on the last communication via the Internet, for the purpose of providing security to the workstations and any devices connected to the network transceiver [see Christian, col.2, lines 28- 41].

40. Claim 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronald M. Perkes., (hereinafter Perkes) Publication No. US 2003/0110503 A1 in view of Gad Liwerant., (hereinafter Liwerant) Publication No. US 2002/0056123 A1, further in view of Chung David., (hereinafter Chung) U.S. Patent No. 6617879.

41. As to claim 7, Perkes does not explicitly disclose the method of 1, wherein when the sending of the image to the client system via the communications link fails. In the same field of endeavor, Cht',,:,~'g discloses (e.g., Transparently partitioned communication bus for multi-port bridge for a local area network). Chung discloses sending of the image to the client system via the communication fails [see Chung, col.27, lines 1-13] (if any node for five minutes, the entry for that node is deleted from the look-up table). 49. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chung's teachings of Transparently partitioned communication bus for multi- port bridge for a local area network with the teachings of Perkes to have image sending to client via the communication fails, for the purpose of increasing the data packet handling capacity in a multi-port bridge for a local area network [see Chung, col. 2, lines 18-21].

42. Also, Perkes does not explicitly disclose sending the image to the client system via a mechanism other that the communications link.

43. In the same field of endeavor, Liwerant discloses (e.g., Sharing a streaming video). Liwerant discloses sending the image to the client system via a mechanism other that the communications link [see Liwerant, page.5, paragraph O052](resolufion and/or image quality desired by the user of sender A's computer 10, and the provision of the file in some additional option form, such as recorded on CD-ROM and sent to the user of sender's computer 10 by postal service).

44. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liwerant's teachings of a sharing a streaming video with the teachings of Perkes to have sending an image to the client system via mechanism other than the communication link, for the purpose of providing for the user a convenient, an optimal viewing quality, enhanced security [see Liwerant, page.6, paragraph 0059 and page.14, paragraph 0139].

45. Claims 8, 43, 46-49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronald M. Perkes., (hereinafter Perkes) Publication No. US 2003/0110503 A1 in view of Gad Liwerant., (hereinafter Liwerant) Publication No. US 2002/0056123 A1, further in view of Roger A. Fleming., (hereinafter Fleming) Publication No. US 2002/0152432 A1.

46. As to claim 8, Perkes disclose the method of claim 1, wherein the communication received from the client system is sent periodically by the client system [see Perkes, paragraph 0018]. However, Perkes does not explicitly disclose communication

received from the client system is a heartbeat that is sent periodically by the client system.

47. In the same field of endeavor, Fleming discloses (e.g., system and method for detecting process and network failures in a distributed system having multiple independent network). Fleming discloses client system is a heartbeat that is sent by the client system [see Fleming, fig. 1 and paragraphs 0018, 0020, 0023, 0025 and O027-O028] (transmit heartbeats on communication path 110-160 to detect a process failure (period of time)).

48. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Fleming's teachings of a sharing a streaming video with the teachings of Perkes to have a heartbeat that is sent by the client system, for the purpose of providing for detecting process and network failures in a distributed system the user a convenient, an optimal viewing quality, enhanced security [see Fleming, paragraph 0005].

49. As to claim 43, Perkes does not explicitly disclose the system of claim 37, wherein the communications received from client system includes heartbeat communications.

50. In the same field of endeavor, Fleming discloses (e.g., system and method for detecting process and network failures in a distributed system having multiple independent network). Fleming discloses client system including heartbeat communications [see Fleming, fig. 1 and paragraphs 000018, 0020, 0023, 0025 and O027-O028] (transmit heartbeats on communication path 110-160 to detect a process failure).

51. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Fleming's teachings of a sharing a streaming video with the teachings of Perkes to have a heartbeat communications, for the purpose of providing for detecting process and network failures in a distributed system the user a convenient, an optimal viewing quality, enhanced security [see Fleming, paragraph 0005].

52. 60.As to claim 46, Perkes discloses the invention as claimed, Perkes discloses including a method in a computer system for distribution of images to client systems [see Perkes, page. 10, paragraph 0106] (Perkes teaches if online the Broadcast agent can start to send content (digital photos, video or MP3) as a broadcast segment to the viewer) the method comprising: receiving via the Internet communications from each client system, the communications being HTTP requests [see Perkes, paragraph 0210] (a client program that uses the Hypertext Transfer Protocol (HTTP) to make requests" of Web servers throughout the Internet on behalf of the browser user); recording indication of receipt of the communications from the client system [see Perkes, paragraphs 0078-0079, and 0125] (Perkes teaches the on/offline status of the viewers computer is" determined by the Master Agent); determining whether an image is to be sent to a client system via the Intemet based on communications received from the client system as indicated by the recorded indications of the receipt of communications system [see Perkes, page 8, paragraph 0078] (Perkes teaches if the viewer on line, the viewer is" provided certain information about the broadcast segment (digital photos, video or MP3), and if the viewer offline, broadcast

Notification is stored for future notification); and sending the image to the client communications via the Internet [see Perkes, page 8, paragraph 0078] (Perkes teaches the viewer is provided certain information about the broadcast segment (digital photos, video or MP3)). However, Perkes does not explicitly disclose sending the image to the client system via a mechanism other that the communications link.

53. In the same field of endeavor, Liwerant discloses (e.g., Sharing a streaming video). Liwerant discloses sending the image to the client system via a mechanism other that the communications link [see Liwerant, page.5, paragraph O052](resolution and/or image quality desired by the user of sender A's computer 10, and the provision of the JTle in some additional option form, such as recorded on CD-ROM and sent to the user of sender's computer 10 by postal service).

54. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liwerant's teachings of a sharing a streaming video with the teachings of Perkes to have sending an image to the client system via mechanism other than the communication link, for the purpose of providing for the user a convenient, an optimal viewing quality, enhanced security [see Liwerant, page.6, paragraph 0059 and page.14, paragraph 0139]. Also, Perkes and Liwerant do not explicitly disclose heartbeat communications.

55. In the same field of endeavor, Fleming discloses (e.g., system and method for detecting process and network failures in a distributed system having multiple independent network). Fleming discloses heartbeat communications [see Fleming,

fig. 1 and paragraphs 000018, 0020, 0023, 0025 and 0027- O028] (transmit heartbeats on communication path 110-160 to detect a process failure).

56. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Fleming's teachings of a sharing a streaming video with the teachings of Perkes to have a heartbeat communications, for the purpose of providing for detecting process and network failures in a distributed system the user a convenient, an optimal viewing quality, enhanced security [see Fleming, paragraph 0005].

57. As to claim 47, Perkes does not explicitly disclose the method of claim 46, wherein the mechanism is a physical computer-readable medium. In the same field of endeavor, Liwerant discloses (e.g., Sharing a streaming video). Liwerant discloses the mechanism other than the communication includes a physical computer-readable medium [see Liwerant, page.5, paragraph O052](physical medium to be used in sending a physical machine-readable copy of the video segment).

58. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liwerant's teachings of a sharing a streaming video with the teachings of Perkes to have a physical computer-readable medium, for the purpose of providing for the user a convenient, an optimal viewing quality, enhanced security [see Liwerant, page.6, paragraph 0059 and page. 14, paragraph 0139].

59. As to claim 48, Perkes does not explicitly disclose the method of claim 47, wherein the computer-readable medium is a disc-based medium. In the same field of

endeavor, Liwerant discloses (e.g., Sharing a streaming video). Liwerant discloses sending the image to the client system via a mechanism other that the communications link [see Liwerant, page.5, paragraph O052](recorded on CD-ROM and sent to the user of sender's computer 10 by postal service). 68. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liwerant's teachings of a sharing a streaming video with the teachings of Perkes to have a disc-based medium, for the purpose of providing for the user a convenient, an optimal viewing quality, enhanced security [see Liwerant, page.6, paragraph 0059 and page.14, paragraph 0139].

60. As to claim 49, Perkes does not explicitly disclose the method of claim 47, including recording the image on the computer-readable medium. In the same field of endeavor, Liwerant discloses (e.g., Sharing a streaming video). Liwerant discloses recording the image on the computer-readable medium [see Liwerant, page.5, paragraph 0052](resolution and/or image quality desired by the user of sender A's computer 10, and the provision of the file in some additional option form, such as recorded on CD-ROM and sent to the user of sender's computer 10 by postal service).

61. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Liwerant's teachings of a sharing a streaming video with the teachings of Perkes to have recording the image on the computer-readable medium, for the purpose of providing for the user a convenient, an optimal viewing quality, enhanced security [see Liwerant, page.6, paragraph 0059 and page. 14, paragraph 0139].

62. As to claim 51, Perkes discloses the method of claim 46, including sending via the Internet the image to a client system [see Perkes, page. 10, paragraph 0106] (Perks teaches if online the Broadcast agent can start to send content (digital photos, video or MP3) as a broadcast segment to the viewer).

63. Claim 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronald M. Perkes., (hereinafter Perkes) Publication No. US 2003/0110503 A1 in view of Gad Liwerant., (hereinafter Liwerant) Publication No. US 2002/0056123 A1, further in view of Roger A. Fleming., (hereinafter Fleming) Publication No. US 2002/0152432 A1 and further in view of Christian et al., (hereinafter Christian) U.S. Patent No. 6,854,010.

64. As to claim 50, does not explicitly disclose the method of claim 46, wherein the determination is made based on when a client system last sent communication via the Internet. In the same field of endeavor, Christian discloses (e.g., Multi-Location management system). Christian discloses determining is made based on when a client system last communication via the Internet [see Christian, co1.10, lines 11-30] (the date and time stamp of the last communication with all interface connected to that network transceiver).

65. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Christian's teachings of Multi-Location management system with the teachings of Perkes to have determining

based on the last communication via the Internet, for the purpose of providing security to the workstations and any devices connected to the network transceiver [see Christian, col.2, lines 28- 41].

Response to Arguments

66. Applicant's arguments filled on October 27, 2009 have been fully considered, however they are not persuasive because of the following reasons:

67. Applicants argue that Perk does not disclose "if is determined that the time associated with the most recently received communication form the client system is within the certain time period". In response to the application argument, the Patent examiner maintains the rejection because Perkes does not explicitly disclose "determining that time associated with the most recently received communication from the client is not within certain time period".

68. In the same field of endeavor, Fleming discloses (e.g., system and method for detecting process and network failures in a distributed system having multiple independent network). Fleming discloses determining that time associated with the most recently received communication from the client is not within certain time period [see Fleming, fig. 1 and paragraphs 0018, 0020, 0023, 0025 and O027-O028] (transmit heartbeats on communication path 110-160 to detect a process failure (period of time)).

69. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Fleming's teachings of a

sharing a streaming video with the teachings of Perkes to have time associated with the most recently received communication from the client is not within certain time period, for the purpose of providing for detecting process and network failures in a distributed system the user a convenient, an optimal viewing quality, enhanced security [see Fleming, paragraph 0005].

70. Applicants argue that Christian does not disclose" sending an image to the client system via the communications link if it is determined that the data and time stamp is within the certain time period". In response to the application argument, the patent examiner maintains the rejection because Christian disclose clearly discloses determining is made based on when a client system last communication via the Internet [see Christian, co1.10, lines 11-30] (the date and time stamp of the last communication (certain time period) with all interface connected to that network transceiver). Therefore, Christian discloses the application claimed invention.

71. Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 1, 37, 46, and. Claims 2- 8, 38-45, 47-54, and 56-57 are also rejected at least by the virtue of their dependency on independent claims and by other reasons set forth in the previous office action.

72. Accordingly, claims 1-8, 37-57 are respectfully rejected.

Conclusion

73. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

74. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

75. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy T. Nguyen whose telephone number is 571-272- 3929. The examiner can normally be reached on Monday - Friday 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***William Vaughn*** can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THANH TAMMY NGUYEN/
Primary Examiner, Art Unit 2444